



# Estates of Deceased Persons (Forfeiture Rule and Law of Succession) Act 2011

## 2011 CHAPTER 7

### 1 Disclaimer or forfeiture on intestacy

- (1) Part 4 of the Administration of Estates Act 1925 (distribution of residuary estate) is amended as follows.
- (2) After section 46 (succession to real and personal estate on intestacy) insert—

#### **“46A Disclaimer or forfeiture on intestacy**

- (1) This section applies where a person—
    - (a) is entitled in accordance with section 46 to an interest in the residuary estate of an intestate but disclaims it, or
    - (b) would have been so entitled had the person not been precluded by the forfeiture rule from acquiring it.
  - (2) The person is to be treated for the purposes of this Part as having died immediately before the intestate.
  - (3) But in a case within subsection (1)(b), subsection (2) does not affect the power conferred by section 2 of the Forfeiture Act 1982 (power of court to modify the forfeiture rule).
  - (4) In this section “forfeiture rule” has the same meaning as in the Forfeiture Act 1982.”.
- (3) In section 47(1)(i) (provision that no issue with a parent alive at the intestate’s death may inherit) after “and so that” insert “(subject to section 46A)”.
  - (4) After section 47(4) insert—

“(4A) Subsections (2) and (4) are subject to section 46A.”.